

EXHIBIT A

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**From:** David Cohen <david@davidrcohen.com>  
**Sent:** Monday, August 28, 2023 12:50 PM  
**To:** Harder, Bradley; Carrie\_Roush@ohnd.uscourts.gov; David R. Cohen (David@SpecialMaster.Law)  
**Cc:** jrice@motleyrice.com; paul@farrellfuller.com; PWeinberger@spanglaw.com; lsinger@motleyrice.com; joanne@cicalapllc.com; Boone, Brian; Jordan, Bill; Chemerinsky, Kim; McGowan, Emily; Bond, Ethan; Haley Plourde-Cole; jonathancooper@quinnemanuel.com; mikelyle@quinnemanuel.com; Eric Lyttle; Olga Vieira; Patrick King  
**Subject:** Re: MDL No. 2804 - PBMs' Status Report for August 30, 2023 Conference Relating to PBMs

**EXTERNAL SENDER – Proceed with caution**

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Notes on D's position:

I disagree that there should be briefing on whether amendment is allowed; just allow it. Let them mandamus you, CTA6 has said that is allowed.

I have some sympathy for PBMs' argument that a briefing track should be in a different case, separate from the litigating cases. But perhaps there are some truly overreaching threshold issues we should tee up more quickly. Need to see what Ps are thinking.

I think we need 4 bellwethers, not 2 -- it is too easy for Ds to buy off 2 Ps, avoiding any global resolution.

The Pharmacies also sought to add third parties, like PBMs do here. PBMs' goal is to complicate and delay (including a request to do nothing and set a status 4 weeks hence). I say let Ps add claims against PBMs as mail-order pharmacies. Two reasons: (1) Ps are the master of their own complaint, and (2) claims against PBMs as mail-order pharmacies will show how much PBMs knew (and they knew a lot). And then let PBMs respond as they wish. If that complicates the case, so be it. We are used to that.

-d

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**From:** Harder, Bradley <Bradley.Harder@alston.com>

**Sent:** Monday, August 28, 2023 11:58 AM

**To:** Carrie\_Roush@ohnd.uscourts.gov <Carrie\_Roush@ohnd.uscourts.gov>; David R. Cohen (David@SpecialMaster.Law) <david@specialmaster.law>

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**Subject:** MDL No. 2804 - PBMs' Status Report for August 30, 2023 Conference Relating to PBMs

Dear Ms. Roush and Special Master Cohen,

Please find attached the PBMs' status report for the August 30th status conference.

Thank you,  
Brad Harder

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Senior Associate  
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